City Council Building Chattanooga, Tennessee July 15, 2003 6:00 p.m.

Chairman Franklin called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Littlefield, Lively, Pierce and Robinson present; Councilmen Page and Taylor were absent due to personal commitment. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, City Attorney Nelson gave invocation.

MINUTE APPROVAL

On motion of Councilman Lively, seconded by Councilman Littlefield, the minutes of the previous meeting were approved as published and signed in open meeting.

2003-2004 FY BUDGET AND AMENDING ORDINANCE 11328

Councilman Pierce stated that he would vote to support the budget on third reading and indicated his "no" vote on first and second reading is due to the school resource officers. He stated there are other items in the budget he might have questioned, however he acknowledged that this is a good budget. He stated there is still the need to look closer and have more meetings on the budget in the future with regard to the agencies, indicating that the Council should talk with some of them personally.

2003-2004 FY BUDGET AND AMENDING ORDINANCE 11328 (Continued)

On motion of Councilman Lively, seconded by Councilman Littlefield,

AN ORDINANCE, HEREINAFTER ALSO KNOWN AS "THE FISCAL YEAR 2003-2004 BUDGET ORDINANCE", TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES, AND TO AMEND PART II, CHATTANOOGA CITY CODE, SECTION 10-23, 12-21, 16-55, 24-304, 24-322, 18-191 THRU 18-196, AND TO AMEND ORDINANCE NO. 11328

passed second reading; **Councilman Pierce voted "no"**. On motion of Councilman Benson, seconded by Councilman Littlefield, the Ordinance passed third and final reading and was signed in open meeting.

AMEND ZONING ORDINANCE

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTION 154, SUBSECTIONS (7) AND (10) AND SECTION 164), SUBSECTION (7), TO INCORPORATE NEW LANGUAGE RELATIVE TO ZERO LOT LINE DEVELOPMENT

passed second reading. On motion of Councilman Lively, seconded by Councilman Littlefield, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2003-073: Jerry R. Pond

On motion of Councilwoman Robinson, seconded by Councilman Littlefield, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1055 GRAYS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO R-1 RESIDENTIAL ZONE

passed second reading. On motion of Councilwoman Robinson, seconded by Councilman Pierce, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2003-077: Mid-America Apartment

On motion of Councilman Lively, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1175 PINEVILLE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed second reading. On motion of Councilman Benson, seconded by Councilman Littlefield, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2003-089: City of Chattanooga

On motion of Councilwoman Robinson, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 99 WALNUT STREET AND 115 EAST 1ST STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

passed second reading. On motion of Councilman Lively, seconded by Councilman Littlefield, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2003-090: City of Chattanooga

On motion of Councilman Benson, seconded by Councilwoman Robinson,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 101, 151 AND 201 RIVERFRONT PARKWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE AND R-3 RESIDENTIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

passed second reading. On motion of Councilman Lively, seconded by Councilwoman Robinson, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2003-091: John Wise

On motion of Councilman Pierce, seconded by Councilwoman Robinson,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 2400 BLOCK OF COWART STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

passed second reading. On motion of Councilman Lively, seconded by Councilwoman Robinson, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2003-097: David Brainerd Christian School

On motion of Councilman Hakeem, seconded by Councilman Littlefield,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7553 IGOU GAP ROAD, MORE PARTICULARLY DSECRIBED HEREIN, FROM R-TZ RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE TO R-1 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed second reading. On motion of Councilman Littlefield, seconded by Councilman Hakeem, the Ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2003-081: City of Chattanooga

On motion of Councilman Benson, seconded by Councilman Pierce,

AN ORDINANCE CLOSING AND ABANDONING A SANITARY SEWER EASEMENT, REFERENCE NO. 50231, LOCATED IN LOT 2, CORRECTIVE PLAT OF CBL'S ADDITION OF HAMILTON PLACE MALL, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

passed first reading.

CLOSE AND ABANDON

MR-2003-084: City of Chattanooga

Chairman Franklin stated Ordinances 6(a) and (b) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Lively, seconded by Councilman Pierce,

AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED ON THE NORTH LINE OF THE 2200 BLOCK OF EAST 23RD STREET, MORE PARTICULARLY DESCRIBED HEREIN, AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

AMEND CONTRACT: CONSOLIDATED TECHNOLOGIES, INC.

On motion of Councilman Hakeem, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 1, WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO ENGINEERING SERVICES FOR AREA III OF THE BIRCHWOOD LANDFILL, WHICH AMENDMENT INCREASES THE CONTRACT AMOUNT BY TWENTY-SEVEN THOUSAND TWO HUNDRED NINETY DOLLARS (\$27,290.00), FOR A REVISED CONTRACT AMOUNT OF TWO HUNDRED TWENTY-SIX THOUSAND FOUR HUNDRED SEVENTY-FIVE DOLLARS (\$226.475.00)

was adopted.

AGREEMENT: CONSOLIDATED TECHNOLOGIES, INC.

Chairman Franklin stated all public works matters were discussed in Committee and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN ENGINEERING AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO PROFESSIONAL SERVICES IN CONNECTION WITH A HYDRAULIC STUDY OF THE STUART HEIGHTS INTERCEPTOR AND DUPONT PARKWAY PUMP STATION/FORCE MAIN SYSTEM, FOR A TOTAL FEE NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)

was adopted.

EASEMENT

On motion of Councilman Hakeem, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PERMANENT DRAINAGE EASEMENT FROM THE UNITED STATES POSTAL SERVICE ON REAL PROPERTY LOCATED AT 6050 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE was adopted.

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AGREEMENT: VOLKERT ASSOCIATES, INC.

On motion of Councilman Lively, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH VOLKERT ASSOCIATES, INC., RELATIVE TO ENGINEERING DESIGN SERVICES FOR CONTRACT NO. SS-6-00, MARKET STREET STREETSCAPE, FROM 4TH STREET TO 5TH STREET, FOR A TOTAL FEE NOT TO EXCEED TWELVE THOUSAND DOLLARS (\$12,000.00)

was adopted.

TEMPORARY USE: GEORGE J. BAILEY

On motion of Councilman Hakeem, seconded b Councilwoman Robinson, A RESOLUTION AUTHORIZING GEORGE J. BAILEY TO USE TEMPORARILY THE CITY'S SEWER EASEMENT LOCATED AT 4913 MEADOW TRACE TO POUR A CONCRETE PAD AROUND AN EXISTING POOL, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS was adopted.

TEMPORARY USE: ENVIRONMENTAL SYSTEMS CORPORATION

On motion of Councilman Lively, seconded by Councilman Benson,

A RESOLUTION AUTHORIZING ENVIRONMENTAL SYSTEMS CORPORATION, ON BEHALF OF CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY (CARTA), TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED AT WILCOX AVENUE ADJACENT TO SHOLAR AVENUE, TO INSTALL A MONITORING WELL AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

CONTRACT: JDH COMPANY

On motion of Councilman Benson, seconded by Councilwoman Robinson, A RESOLUTION AUTHORIZING THE AWARD OF THE CONTRACT FOR RE-ROOFING THE PARKING GARAGE, REMOVING EXISTING SKYLIGHTS AND REMOVING EXISTING CHIMNEYS TO BELOW THE ROOF DECK AT FIRESTATION #1, TO JDH COMPANY FOR THEIR LOW BID IN THE AMOUNT OF SEVENTY THOUSAND THREE HUNDRED SIXTEEN DOLLARS (\$70,316.00)

was adopted.

CONTRACT: PENNROSE PROPERTIES OF TENNESSEE-INFR, INC.

Chairman Franklin acknowledged the presence of Sharon Kelley (the new President of the Alton Park Community Development Corporation), Deborah Maddox and others in attendance regarding this Resolution. He expressed that the Council looks forward to the groundbreaking.

Councilman Littlefield stated this matter was discussed completely and thoroughly in the Legal and Legislative Committee and approval is recommended.

On motion of Councilman Pierce, seconded by Councilman Hakeem,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH PENNROSE PROPERTIES OF TENNESSEE-INFR, INC., RELATIVE TO INFRASTRUCTURE IMPROVEMENTS IN THE HOPE VI PROJECT AREA, IN AN AMOUNT NOT TO EXCEED ELEVEN MILLION FIVE HUNDRED EIGHTY-SEVEN THOUSAND ONE HUNDRED EIGHTY-TWO DOLLARS (\$11,587,182.00)

was adopted.

CONTRACT: VULCAN MATERIALS COMPANY

On motion of Councilman Hakeem, seconded by Councilman Benson,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-03-012, BITUMINOUS ASPHALT PAVING OF MARTIN LUTHER KING BOULEVARD, TO VULCAN MATERIALS COMPANY FOR THEIR LOW BID IN THE AMOUNT OF TWO HUNDRED SIXTY-FOUR THOUSAND SIX HUNDRED FORTY-FOUR AND 75/100 DOLLARS (\$264,644.75) INCLUDING A CONTINGENCY AMOUNT OF TEN THOUSAND DOLLARS (\$10.000.00)

was adopted.

OVERTIME

Overtime for the week ending July 11, 2003 totaled \$116,994.83.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- RONALD T. SIMPSON Lateral Transfer, Crew Worker, Citywide Services, Pay Grade 3/Step 1, \$25,071.00 annually, effective July 9, 2003.
- ∠ LINCOLN GOODSON, JR. Voluntary Transfer, Equipment Operator Sr.,
 Citywide Services, Pay Grade 8/Step 9, \$31,460.00 annually, effective July
 9, 2003.
- ROBERT D. SHIPLEY -- Voluntary Transfer, Equipment Operator Sr., Citywide Services, Pay Grade 8/Step 9, \$31,460.00 annually, effective July 1, 2003.
- **TERRY A. HAMPTON** Voluntary Transfer, Equipment Operator, Citywide Services, Pay Grade 6/Step 6, \$24,665.00 annually, effective July 1, 2003.
- ∠ IANTHA J. TOOKS Voluntary Transfer, Crew Worker, Citywide Services, Pay Grade 3/Step 8, \$22,219.00 annually, effective July 1, 2003.
- **BESSIE ROLLINS** Voluntary Transfer, Crew Worker, Citywide Services, Pay Grade 3/Step 10, \$24,121.00 annually, effective July 1, 2003.
- Z JIMMY LEE WRIGHT Transfer and Voluntary Demotion, Crew Worker, Citywide Services, Pay Grade 3/Step 10, \$24,121.00 annually, effective July 16, 2003.
- JAMES E. MARTIN Promotion, Building Inspector, Sr., Codes and Inspection, Pay Grade 14/Step 5, \$34,834.00 annually, effective July 11, 2003.
- DALLAS Y. RUCKER, JR. Promotion, Permit Services Chief, Codes & Inspection, Pay Grade 25/Step 2, \$43,935.00 annually, effective July 11, 2003.

PERSONNEL (Continued)

- RICHARD D. HUTSELL, JR. Promotion, Zoning and Sign Official, Pay Grade 25/Step 2, \$43,935.00 annually, effective July 11, 2003.
- HAROLD DANNY KELLEY Death, Pretreatment Inspector, Waste Resources, effective July 3, 2003.

NEIGHBORHOOD SERVICES DEPARTMENT:

MARK P. KLEINER – Hire, Special Project Coordinator, Pay Grade 16/Step 2, \$32,977.00 annually, effective July 11, 2003.

PURCHASES

On motion of Councilman Benson, seconded by Councilman Lively, the following purchases were approved for use by the Public Works Department:

BROOKER FORD (Best bid) R0068329/B0000849

Two ¾-Ton Pickup Trucks

(Rescind Council's June 24, 2003 approval and reject bid of Newton Chevrolet in the amount of \$18,750.00 for one four-wheel drive, Model 2004 half ton pick-up truck; the recommendation was an erroneous duplication of another purchase)

\$42,184.36

CLEAN HARBORS ENVIRONMENTAL (Lowest and best bid) R0060012/P0018763

Household Hazardous Waste Services

(Price information available and filed with minute material of this date)

HOTEL PERMITS

On motion of Councilwoman Robinson, seconded by Councilman Pierce, the following hotel permits were approved:

HOTEL PERMITS (Continued)

HILTON GARDEN - 311 Chestnut Street, Chattanooga, TN

MAYOR'S MANSION INN - 801 Vine Street, Chattanooga, TN

REFUNDS

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the following Administrator of Finance was authorized to issue the following refunds:

DOLGEN CORP. -- Refund for tax year 2002 due to Exempt Per TMA Audit Report, #0034, \$1,279.66

ALEXIAN BROTHERS COMMUNITY SERVICES – Refund for tax years 1999, 2000, 2001 and 2002 due to exemption approval by State, \$40,600.65

PSI - Refund for refund of tax year 2002 due to Exempt per State Board of Equalization, \$1,462.09

COMMITTEES

Councilman Littlefield scheduled a meeting of the Legal and Legislative Committee for Tuesday, July 22 beginning at 3 p.m.

Councilman Hakeem reminded Council members of the **Public Works Committee meeting scheduled for Tuesday**, **July 22 at 4 p.m.**

NORTH CHATTANOOGA NEIGHBORHOOD ASSOCIATION AND DISTRICT 2 NEIGHBORHOOD WATCH

Councilwoman Robinson announced that the North Chattanooga Neighborhood Association is scheduled to meet on Thursday, July 17 at 7 p.m. at the Northside Presbyterian Church. She indicated that the District 2 Neighborhood Watch would be meeting on Tremont at the same time and on the same evening.

YOUTH RAP SESSION WITH CITY OFFICIALS

Councilman Hakeem made reference to the youth rap session at Olivet Baptist Church that was held on Monday evening. He stated the Mayor and Council Chairman were very instrumental in participating on the program and more than 2,000 persons were in attendance. He stated the session was a success and that the youth had an opportunity to talk with elected officials and others in an effort to "connect". He stated more opportunities for young people should be held for them to voice their interests, concerns and desires to those (of us) in politics. He stated it was a total success with a wonderful program and that it could not have been held at a better place than inside a church, expressing that Olivet did it "first class"!

Chairman Franklin congratulated Councilman Hakeem for the "trial sermon" he gave at the session while also agreeing more than 2,000 children were in attendance supported by their parents. He stated the youth had an opportunity to express themselves, as well as get support from those on the panel, the minister and the officials present.

BOBBIE BRYANT

Bobbie Bryant distributed information regarding a list of issues involving her father's treatment at the Life Care Center of Chattanooga. She stated she was looking for answers and needs help, as the items listed on the document were very serious. She asked Council members what they would do it their father was being held as a political prisoner in Hamilton County and his property stolen. She stated she does not intend to go to Life Care to be abused and would not continue to let them abuse her father, as he has a home and she intends to take him home; that her health and other family members' health has suffered. She stated that she noticed how Councilman Hakeem reacted to something that was said to him in a Council meeting, noting that she and her family have been harassed and violated by people including Judge Frank Brown and Lynne Dechman. She referenced that she had evidence that her father's hearing aids had been stolen and noted that they "turned up" at Life Care. She stated she could not get anyone to investigate these people to make them accountable and indicated that we have a school system that puts up billboards that talk about integrity and honesty. She stated that she wants some assistance and expects to hear from the Council members. She indicated that she lives in Councilman Pierce's district and stated that she wants the police called off her family for ridiculous harassment charges. (A copy of Ms. Bryant's concerns is filed with minute material of this date.)

BOBBIE BRYANT (Continued)

Councilman Benson stated that he asked Ms. Bryant for the list. He stated of the fifteen items listed there are only three that might come under the purview of this Council. He asked that the City Attorney have an opportunity to study the matter and advise the Council.

Ms. Bryant stated someone has to "step in" and Council members are elected officials.

Councilman Benson stated that the Council <u>is</u> "stepping in" by asking the City Attorney to study the information to see if the Council has any authority. He asked that the City Attorney be given time to research the matter. He asked City Attorney Nelson if he is agreeable with this. City Attorney Nelson responded "yes".

Councilman Pierce stated that we do have a court system and all the items listed on Ms. Bryant's document are governed under those laws; that basically the courts have not worked for her. He stated the persistent way she has been with the Council is the way she should be with the courts. He stated he does not know why they are holding her father, indicating that there has to be a reason and they have to be acting within the law.

Ms. Bryant stated they are not and the law has not been followed. She stated that she had to research the law; that she could bring person-after-person before this Council to show that the court system does not work; that Council members are elected officials and have an obligation. She stated she has told the Council over-and-over why her father is incarcerated; that the Council could have found out about it for themselves. She stated judgment would come if the Council does not do anything!

Chairman Franklin expressed that the Council is sympathetic to Ms. Bryant's situation and clarified that the matter is not under the Council's purview and cannot assist. He stated the court system is the avenue she should follow. He then acknowledged that she had exceeded the three-minute time limit for speaking.

Ms. Bryant stated that she still expects the Council to take her matter seriously and stated if anything happens to her father she would do her best to make each of the Council members accessories to murder of wrongful death!

Chairman Franklin declared Ms. Bryant out of order!

BOBBIE BRYANT (Continued)

Ms. Bryant continued by stating that two people have died since she was before the Council.

Chairman Franklin reminded Ms. Bryant that the City Attorney would research the matter and if there are items where the Council can help they will.

SISTER BEY

Sister Bey held up three miniature flags and one was the flag of liberia. She stated she has written the President and asked the Council to get rid of Admin. Curry because he has not done anything but tear down houses. She stated she has written the Secretary General and is going back to the Security Council. She stated the Council seems to think "her" people have an obligation to them and she is sick of harassment from the police. She stated the house next door to her was to have been fixed up and it has not been and her cars have not been returned. She stated she could care less about the laws the Council makes and that she has the whole U. N. Charter behind her!

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, July 22, 2003 at 6:00 p.m.

_	CHAIRMAN
CLERK OF COUNCIL	

(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS FILED WITH MINUTE MATERIAL OF THIS DATE)